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October 29, 2024

Via ECF

Honorable George B. Daniels, U.S. District Court Judge
Honorable Sarah Netburn, U.S. District Court Magistrate Judge

Re: *In re Terrorist Attacks on September 11, 2001*,
MDL No. 03-MDL-1570 (GBD) (SN)
Ashton et al. v. al Qaeda Islamic Army, et al., 02-cv-6977
Wrongful Death Judgments Against Two Defendants-in- Default

Your Honors:

I write in response to the MDL 1570 Plaintiffs' Executive Committees' (PECs) October 25, 2024 letter (ECF #10465), which replies to my letter of October 23 (ECF #10461).

First, the PECs now appear to admit that there is no reason to delay the entry of final Judgments against the Taliban awarding treble damages, attorneys' fees (when requested) and prejudgment interest. ECF #10465 at 1, n.1 ("the Court's awards and resulting judgments [against the Taliban] must impose and include treble damages."). Why not add prejudgment interest and make the Judgments final? The *Federal Insurance* plaintiffs have been granted this relief, and the PECs now appear to admit that there is no reason to delay awarding all other plaintiffs such relief when requested.

Second, the PECs claim that they have not asked the Court to "defer" awarding punitive damages against the Islamic Republic of Iran (Iran), but that is a patently false statement. The PECs have wholly failed to identify what issue of fact or law remains to be decided as to Iran that was not resolved previously. Issue identification was/is essential. The PEC has suggested an unnecessary "framework" that will delay and defer the issuance of final Judgments against Iran for over one year. A full record has already been established previously in *Havlish* on the punitive damages issue, and the PEC has failed to state what "new" evidence needs to be presented (or what new law has been created) for the Court to change the result reached in *Havlish* (the "law of the case").

Third, the PECs also state that "partial final default judgments suffice to meet his [my] stated purpose and that failure to assess punitive damages now will not prejudice his [my] or any other MDL plaintiffs in any regard." ECF #10465 at 2. This is, again, a patently false statement since my clients want to seek asset execution on final Judgments (not partial judgments), and they are entitled to the same relief granted to the *Havlish* plaintiffs. Compelling my clients first to serve "partial final judgments," and then "final Judgments" upon Iran, through the Clerk of the Court, with countless documents translated into Farsi, is prejudicial. See the attached emails exchanged with the USVSST on this issue.

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Finally, it makes complete sense for all the parties (and the Court) to resolve litigation as to individual defendants at the earliest possible time. It is time to enter final Judgments against both Iran and the Taliban.

Sincerely yours,

John F. Schutty

John Schutty

From: info@usvsst.com
Sent: Thursday, October 24, 2024 5:00 PM
To: John Schutty
Cc: Rothny Say
Subject: RE: USVSST Fund – Service Doc Request –MDL ECF 10391

Dear Counsel:

The USVSST Fund cannot include the supplemental damages (economic damages) amount in this claim's compensatory damages award amount for the fifth distribution without documentation demonstrating service of the judgment awarding the estate the supplemental damages (economic damages).

Under the USVSST Fund's governing statute, a default judgment awarding compensatory damages does not become a final judgment until it has been served in accordance with section 1608(e) of title 28. 34 U.S.C. § 20144(j)(4). A claimant filing an application with the USVSST Fund must submit documentation showing either transmittal to the U.S. Department of State or other verified proof of service under 28 U.S.C. §§ 1608(a) and (e) for any judgment(s) submitted in support of their application. See frequently asked question (FAQ) 2.3 on the USVSST Fund's website, www.usvsst.com.

We hope you find this information useful. This response is meant to assist you in understanding the USVSST Fund; however, it does not constitute legal advice, nor does it alter in any way the authorities of the Special Master and the Department of Justice, including the authority to implement the Justice for United States Victims of State Sponsored Terrorism Act, as amended. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal.

Sincerely,

Claims Administrator
U.S. Victims of State Sponsored Terrorism Fund
www.usvsst.com

From: John Schutty <john@johnschutty.com>
Sent: Tuesday, October 15, 2024 10:38 AM
To: info@usvsst.com
Cc: Rothny Say <rothny73104@me.com>
Subject: RE: USVSST Fund – Service Doc Request –MDL ECF 10391

I am requesting clarification.

First, the USVSST has not previously requested “proof of service” of a “*partial* final judgment of default.”

Second, while we requested a “final judgment” against the Islamic Republic of Iran on behalf of the Dimino family (with an award of punitive damages and prejudgment interest), Judge Daniels (SDNY) refused to grant the latter request and merely deferred the request for punitive damages (and final Judgment) to a later date.

Thus, *we do not yet have a final “Judgment”* that will be ultimately *served* upon the Islamic Republic of Iran by the Clerk of the SDNY, *when it is obtained*.

Under these circumstances, please advise whether the “partial final judgment of default” must be served, for the new economic loss award to be honored by the USVSST.

Sincerely Yours,

John F. Schutty

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From: info@usvsst.com <info@usvsst.com>

Sent: Monday, October 14, 2024 12:40 PM

To: John Schutty <john@johnschutty.com>

Cc: Rothny Say <rothny73104@me.com>

Subject: USVSST Fund – Service Doc Request –MDL ECF 10391

Dear Counsel:

The USVSST Fund received the 09/19/2024 Order (ECF 10391 in Case 1:03-md-01570-GBD-SN) that counsel provided for increased economic damages for the Estate of Stephen Dimino. Please provide proof of service of the judgment.

Thank you,

Claims Administrator

U.S. Victims of State Sponsored Terrorism Fund

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